

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KERRY MILLER,

Plaintiff,

CASE NO. 05-CV-71346-DT  
JUDGE PATRICK J. DUGGAN  
MAGISTRATE JUDGE PAUL J. KOMIVES

v.

NIA; VALORIE HAMMOND;  
SHERRI GRESUREK and MATHIA;

Defendants.

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**ORDER**

**STRIKING PLAINTIFF'S MOTION FOR AN ENLARGEMENT OF TIME (Doc. Ent. 6);  
GRANTING PLAINTIFF'S MOTION TO STRIKE HIS MOTION FOR AN  
ENLARGEMENT OF TIME (Doc. Ent. 7); and SETTING A RESPONSE DEADLINE  
FOR DEFENDANT MATHAI'S MOTION TO DISMISS (Doc. Ent. 17)**

On April 7, 2005, plaintiff filed the instant pro se, in forma pauperis complaint seeking damages and injunctive relief pursuant to 42 U.S.C. § 1983. Defendants are Doctor Nia, Valorie Hammond, and Sherri Gregarek of Southern Michigan Correctional Facility (JMF) and Doctor Mathia of Parnall Correctional Facility (SMT). Compl. at 2-3.

On May 3, 2005, Magistrate Judge Whalen entered an order requiring plaintiff to submit additional copies of his complaint within thirty days of the date of the order. (Doc. Ent 5). On May 25, 2005, plaintiff filed a motion for enlargement of time to submit the additional copies of his complaint. (Doc. Ent. 6). However, on May 27, 2005, plaintiff filed a motion to strike his motion for an enlargement of time, because he "received the necessary documents in time to file the Complaint as ordered . . . therefore, an enlargement of time [was] not needed." (Doc. Ent. 7).

In accordance with the foregoing, plaintiff's motion to strike (Doc. Ent. 7) is GRANTED and his motion for enlargement of time (Doc. Ent. 6) is hereby STRICKEN.

Furthermore, plaintiff shall file any response to defendant Dr. Mathai's August 8, 2005 motion to dismiss under Fed. R. Civ. P. 12(b)(6) and 42 U.S.C. § 1997e (Doc. Ent. 17) by Monday, October 10, 2005. Any reply by defendant Mathai shall be filed in accordance with E. D. Mich. LR 7.1.

IT IS SO ORDERED.

s/Paul J. Komives  
PAUL J. KOMIVES  
UNITED STATES MAGISTRATE JUDGE

Dated: 8/9/05

The undersigned certifies that a copy of the foregoing order was served on the attorneys of record by electronic means or U.S. Mail on August 9, 2005.

s/Eddrey Butts  
Case Manager